UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,318	11/26/2001	Robert J. Gallagher	100110474-2	9510

7590 03/08/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/995,318	GALLAGHER ET AL.
	Examiner	Art Unit
	F. Ryan Zeender	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 December 2004_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-19_ is/are pending in the application.

    4a) Of the above claim(s) _4-19_ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-3_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to. .

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _24 June 2002_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _11/26/2001_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail. Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 03052005

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Invention I **(claims 1-3)**, and species V

(claims 1-3, 9-11, & 17-18) in the reply filed on 12/6/2004 is acknowledged.

The applicant has acknowledged that claims 4-8, 12-16, and 19 are withdrawn

from consideration. *While this is true, the Examiner emphasizes that all of claims*

4-19 are withdrawn from consideration as being drawn to non-elected inventions

II-IV.

Claim Objections

Claim 1 is objected to because of the following informalities: In claim 1, line 5, it

appears "jurisidctions" should be –jurisdictions--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chong US5335169, in view of Manzi et al. US6298333.

Chong discloses a program controlled apparatus for identifying taxable financial

transactions, collecting data based on the transactions, and calculating any taxes due

on the transactions, the apparatus comprising: a first module having a directory of all

jurisdictions by "tax authority code" (based on customer location; See Col. 4, lines 24-

30) requiring payment of taxes; a second module 34 having a directory identifying the taxability of goods by each jurisdiction through the use of codes; a third module having a directory of tax rates 33, and a server having programming for determining all taxes due on each transaction (See for example Cols. 3-4).

Chong lacks specifically the use of a first, second, and third "database"; the directory of jurisdictions being specifically by zip code; and the identity of use and rental tax rates.

Manzi et al. teach the identification of use and rental tax rates in a system that automatically determines taxes due.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chong to include tax rates for usage and renting, in view of Manzi, in order to provide a means to improve the "timing" of payment of such taxes to authorities (See Manzi Col. 1, lines 48-50).

It would have been a further obvious design choice to one of ordinary skill in the art to have first, second, and third databases as the use of multiple databases is well known in the art of computer technology in order to provide a desired result.

It would have bee further obvious to one of ordinary skill in the art at the time of the invention have the tax authority codes be zip codes as it is well known that zip codes provide a means for determining "location".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351 until April 13, 2005 and (571) 272-6790 thereafter. The examiner can normally be reached Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

F. Zeender
Primary Examiner, A.U. 3627
March 6, 2005
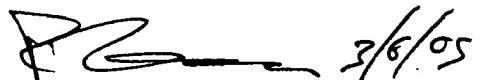
F. RYAN ZEENDER
PRIMARY EXAMINER